

Serial No. 10/771,469

Attorney Docket No. 01-547

REMARKS

Initially, the undersigned would like to thank Examiner Riad for the courtesies extended during a telephonic interview on 26 April 2007 in which the merits of the Office Action of 27 December 2006 were discussed.

Entry of the present remarks is respectfully requested because the remarks place the application in condition for allowance.

Claims 1 - 15 are pending. Applicants respectfully request reconsideration and allowance of this application in view of the following remarks.

Claims 1 - 6 and 9 - 15 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0043748 to Gabara. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Applicants previously submitted a Declaration under 37 C.F.R. 1.131 labeled Exhibit A, including a copy of DENSO engineering records in order to prove that the completion of the claimed present invention occurred prior to the filing date of Gabara, which is Sept. 6, 2001.

The Examiner indicated that Exhibit A was not clear as to how it related to the claim language. Particularly, the Examiner indicated that he was unable to determine the meaning of the handwritten notes on Exhibit A, and that the Exhibit did not include clear explanation as to how it related to the claim language. The undersigned regrets that Exhibit A lacked clarity. In order to clarify the meaning of Exhibit A, and clearly show how Exhibit A relates to the claim language in the present application, the Applicants have submitted a complete translation of Exhibit A concurrently with the present submission labeled Exhibit B.

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Exhibit B clearly shows that the Applicants have conceived and reduced to practice the claimed subject matter as early as on October 25, 2000. Drawings corresponding to Figs. 1 – 4 of the present application were reported on Dec. 13, 2000 (See pgs. 6 – 8 of Exhibit B).


Accordingly, as Exhibit B shows that Applicants conceived of the present invention prior to the effective date of Gabara, Applicants assert that they have established prior invention of the claimed subject matter relative to that disclosed in Gabara in compliance with MPEP 715.07 (Aug. 2001). Therefore, it is respectfully requested that the rejection of claims 1 – 6 and 9 – 15 under 35 U.S.C. 102(c) be withdrawn.

Claims 7 – 8 were objected to for being dependent upon a rejected base claim. This objection should be withdrawn for the above-mentioned reasons with respect to claim 1.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,


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